

PATENT  
ATTORNEY DOCKET NO.: 053665-5010-01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Louis S. KUCERA et al.

Confirmation No.: 2151

Application No.: 09/844,201

Group Art Unit: 1623

Filed: April 27, 2001

Examiner: Howard Owens, Jr.

For: COMPOSITIONS AND METHODS OF  
DOUBLE-TARGETING VIRUS  
INFECTIONS AND CANCER CELLS

Attorney Docket No.: 053665-5010-01

**LETTER REGARDING INFORMATION DISCLOSURE STATEMENTS SUBMITTED  
ON OCTOBER 12, 2004 AND AUGUST 23, 2003**

U.S. Patent and Trademark Office  
2011 South Clark Place  
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Arlington, VA 22202

Sir:

Applicants note that when the Examiner initialed the Form PTO-1449 submitted with the Supplemental Information Disclosure Statement filed on October 12, 2004 (copy attached hereto) several references were not initialed. The Examiner alleges that, at least for reference C41, that the reference was not submitted. Applicants do not understand how some references cited on the Form PTO-1449 were not included. Applicants do note, however, that the Patent Office somehow separated the references from the Supplemental Information Disclosure Statement when the Supplemental Information Disclosure Statement was originally filed. Indeed, Applicants had to provide the Patent Office with another copy of the Supplemental Information Disclosure Statement and Form PTO-1449.

Applicants herewith submit another copy of each of the references not initialed by the Examiner but cited on the Form PTO-1449 submitted with Supplemental Information Disclosure Statement filed on October 12, 2004 along with a copy of the Supplemental Information Disclosure Statement initialed by the Examiner. Applicants respectfully request that the

Examiner consider the references, initial the Supplemental Information Disclosure Statement, and return the Supplemental Information Disclosure Statement to Applicants' attorney.

Applicants further note that the Information Disclosure Statement filed on August 23, 2003 was also not initialed by the Examiner. A copy of the August 23, 2003 Information Disclosure Statement is attached hereto. Applicants respectfully request the Examiner to initial the references cited on this Information Disclosure Statement.

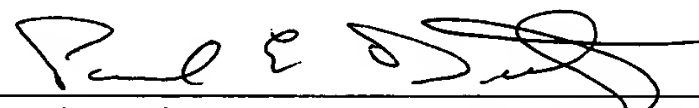
No fee is believed to be due for this submission. If any fees are due, please charge the required fees to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310.

Respectfully submitted,

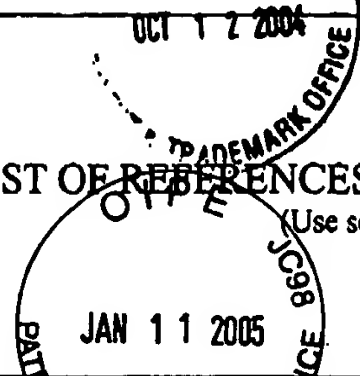
**MORGAN, LEWIS & BOCKIUS LLP**

Dated: January 11, 2005

By:

  
Paul E. Dietze Reg. No. 45,627

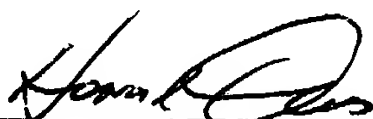
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 <p><b>LIST OF REFERENCES CITED BY APPLICANT</b> (Use several sheets if necessary)</p>	ATTY DOCKET NO. <b>053665-5010-01</b>	APPLICATION NO <b>09/844,201</b>
	APPLICANT <b>Louis S. KUCERA et al.</b>	
	FILING DATE <b>April 27, 2001</b>	GROUP <b>1623</b>

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
<i>Ho</i>	A01	2,086,585	07/13/1937	Taub et al.	260	127	
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	A03	2,108,765	02/15/1938	Domagk	167	30	
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	A15	4,119,714	10/10/1978	Kny et al.	424	199	
	A16	4,159,988	07/03/1979	Eibl et al.	260	340.9R	
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	A20	4,329,302	05/11/1982	Hanahan et al.	260	925	
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	A23	4,471,113	09/11/1984	MacCoss	536	29	
	A24	4,540,521	09/10/1985	Garst et al.	260	459	
	A25	4,619,917	10/28/1986	Lee et al.	514	77	
<i>Ho</i>	A26	4,622,392	11/11/1986	Hong et al.	536	28.5	

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DATE CONSIDERED

12-2-04

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OCT 12 2004

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	A29	4,797,479	01/10/1989	Shuto et al.	536	28.5	
	A30	4,816,450	03/28/1989	Bell et al.	514	25	
	A31	4,826,823	05/02/1989	Cook et al.	514	46	
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	A36	4,921,951	05/01/1990	Shuto et al.	536	28.5	
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	A50	5,962,437	4/30/1999	Kucera et al.	514	77	
<i>Ho</i>	A51	6,030,960	02/29/2000	Morris-Natschke et al.	514	77	


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*Howard Jones*

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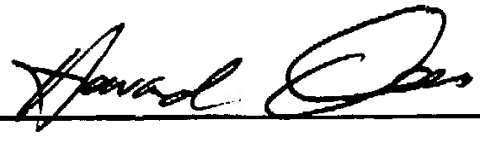
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		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
Ho	B01	0 094 586	11/23/1983	EPO (English)				
Ho	B02	0 109 255	05/23/1984	EPO (English)				
Ho	B03	0 142 333	05/22/1985	EPO (English)				
Ho	B04	0 145 303	06/19/1985	EPO (English)				
Ho	B05	0 146 258	06/26/1985	EPO (English)				
	<del>B06</del>	<del>0 252 310</del>	<del>01/13/1988</del>	<del>EPO</del>				
Ho	B07	0 310 109	04/05/1989	EPO (English)				
Ho	B08	0 335 396	04/10/1989	EPO (English)				
Ho	B09	0 350 287	01/10/1990	EPO				
Ho	B10	0 348 859	01/03/1990	EPO (English)				
Ho	B11	0 416 401	03/13/1991	EPO				
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	<del>B13</del>	<del>0 506 704</del>	<del>07/11/1991</del>	<del>EPO</del>				
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	<del>B15</del>	<del>1,561,630</del>	<del>03/28/1969</del>	<del>France</del>				
Ho	B16	199 14 474	10/07/1999	Germany (abstract only)				
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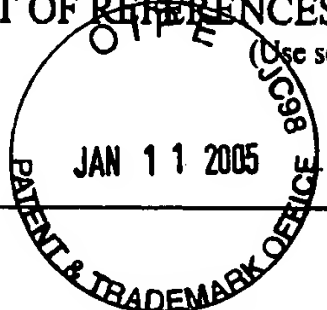
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Ho	B22	61-238793	10/24/1986	Japan				
Ho	B23	1029312	01/31/1989	Japan				
	<del>B24</del>	<del>49-100224</del>	<del>09/21/1974</del>	<del>Japan</del>				
Ho	B25	08-268890	10/15/1996	Japan (abstract only)				
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Ho	B29	90/15601	12/20/1990	WIPO (English)				
Ho	B30	91/05558	05/02/1991	WIPO				
Ho	B31	91/09602	07/11/1991	WIPO abstract only				
Ho	B32	91/19726	12/26/1991	WIPO				
Ho	B33	91/18914	12/12/1991	WIPO (English)				
Ho	B34	92/03462	03/05/1992	WIPO (abstract only)				
Ho	B35	92/06192	04/16/1992	WIPO (English)				
Ho	B36	93/08807	05/13/1993	WIPO (English)				
Ho	B37	93/00910	01/21/1993	WIPO				
Ho	B38	93/16091	08/19/1993	WIPO				
Ho	B39	93/16092	08/19/1993	WIPO (abstract only)				
Ho	B40	93/17020	09/02/1993	WIPO (English)				
Ho	B41	93/21191	10/28/1993	WIPO (English)				
Ho	B42	WO 94/28908	12/22/1994	WIPO				
Ho	B43	WO 98/22496	5/28/1998	WIPO (English)				
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Ho	B45	WO 99/07734	2/18/1999	WIPO (English)				

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*Howard Lee*

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	C02	Alt M. et al., "Core Specific Antisense Phosphorothioate Oligodeoxynucleotides as Potent and Specific Inhibitors of Hepatitis C Viral Translation," <u>Archives of Virology</u> 142:589-599, 1997
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	C05	Anderson, L. J. et al., "Antigenic Characterization of Respiratory Syncytial Virus Strains with Monoclonal Antibodies," <u>Journal of Infectious Diseases</u> , 151:626-633, April 1985
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	C07	Berdel et al., "Cyto Toxicity of Thio Ether Lyso Phospho Lipids in Leukemias and Tumors of Human Origin," <u>Cancer Research</u> , Vol. 43, 5538-5543, 1983.
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	C10	Bosies, E. et al., "Preparation of Lecithin Analogs as Retrovirucides and Virucides," <u>Chemical Abstracts</u> , 115CA; 72142p, 1991
	C11	Chen, "Design and Synthesis of Novel Nucleoside Analogs as Potential Antiviral Agents," Abstract <u>American Assoc. of Pharmaceutical Scientists</u> , Vol. 9, No. 10, 1992
	C12	Chu M. et al., "Isolation and Structure of SCH 351633: A Novel Hepatitis C Virus (HCV) NS3 Protease Inhibitor from the Fungus <i>Penicillium Griseofulvum</i> ," <u>Bioorganic and Medicinal Chemistry Letters</u> 9:1949-1952, 1999
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<i>HO</i>	C18	Domawchowske J. B. et al., "Respiratory Syncytial Virus Infection: Immune Response, Immunopathogenesis and Treatment," <u>Clinical Microbiology Reviews</u> , 12:298-309, April 1999

EXAMINER <i>David Ous</i>	DATE CONSIDERED <i>12-2-04</i>
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## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

Ho	C19	Englund, J. A., "Prevention Strategies for Respiratory Syncytial Virus: Passive and Active Immunization," <u>J. Pediatr.</u> , 135:38-44, August 1999
	C20	Falsey A. R. et al., "Acute Respiratory Tract Infection in Daycare Centers for Older Persons," <u>J Am Geriatric Soc.</u> , 43:30-36, 1995
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	C28	Hall, C. B. et al., "Nosocomial Respiratory Syncytial Virus Infections," <u>N Engl J Med.</u> , 293:1343-1346, 1975
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	C30	Hancock et al., "Analogues of Natural Lipids. VII. Synthesis of Cyclopentanoid Analogues of Phosphatidylcholine," <u>Journal of Lipid Research</u> , Vol. 23, 183-189, 1982
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<i>Ho</i>	C35	Hirsch, M. S. et al., "Antiviral Agents," <u>Fields Virology</u> , Third Edition, Lippincott, Raven Publishers, page 431-466, 1996
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<i>Ho</i>	C37	Hostetler et al., "Phosphatidylazidothymidine and Phosphatidyl-ddC: Assessment of Uptake in Mouse Lymphoid Tissues and Antiviral Activities in Human Immunodeficiency Virus-Infected Cells and in Rauscher Leukemia Virus-Infected Mice," <u>Antimicrobial Agents and Chemotherapy</u> , Dec. 2792-2797, 1994,
<i>Ho</i>	C38	Hruska, J. F. et al., "In vivo Inhibition of Respiratory Syncytial Virus by Ribavirin," <u>Antimicrob Agents Chemother.</u> , 21:125-130, 1982
<i>Ho</i>	C39	Hsu, L. et al., "Synthesis of Anti-Restricted Pyrimidine Acyclic Nucleosides," <u>Journal of Organic Chemistry</u> , Vol. 57, No. 12, pp. 3354-3358, 1992
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<i>Ho</i>	C43	Jia et al., "Diamide Analogues of Phosphatidylcholine as Potential Anti-AIDS Agents," <u>J. Chem. Soc.</u> , 2521-2523, 1993.
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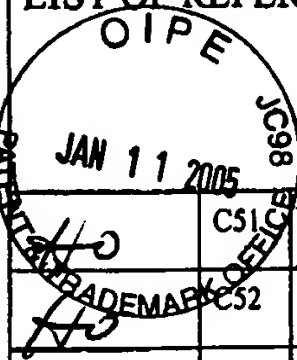
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April 27, 2001

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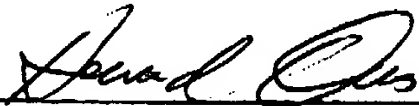
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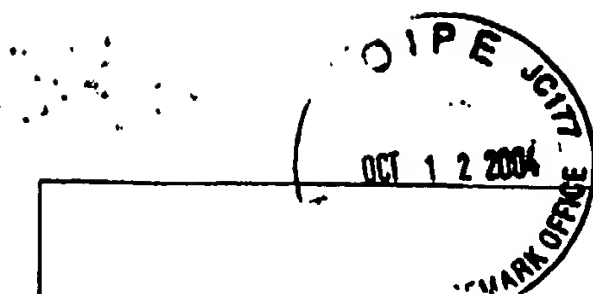
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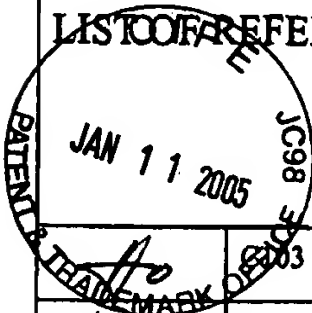
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PLEASE STAMP AND RETURN TO SHOW RECEIPT OF:

U.S. Patent Application No.: 09/844,201

Applicants: Kucera, et al.

Group Art Unit: 1623

Filed: April 27, 2001

Examiner: Unknown

Title: COMPOSITIONS AND METHODS OF DOUBLE-TARGETING  
VIRUS INFECTIONS AND CANCER CELLS

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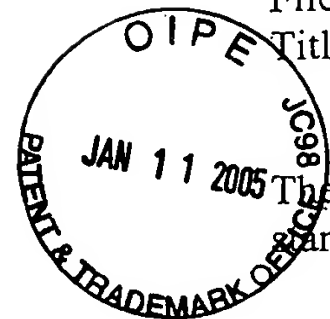
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1. Information Disclosure Statement (3 pages).
2. PTO Form 1449 (1 page).
3. References (5).

Date: August 27, 2003

Atty. Docket No.: 053665-5010-01

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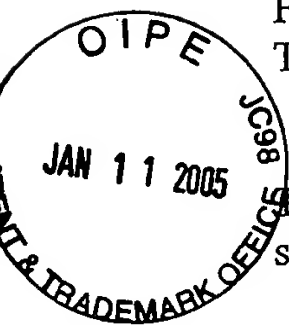
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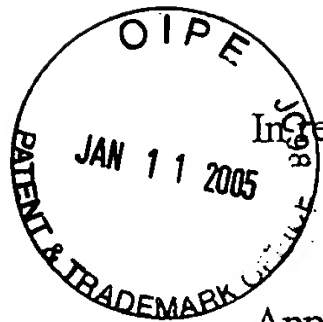
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of:

Louis S. Kucera, et al.

Application No.: 09/844,201

Filed: April 27, 2001

For: COMPOSITIONS AND METHODS FOR  
DOUBLE-TARGETING VIRUS INFECTIONS  
AND TARGETING CANCER CELLS

Group Art Unit: 1623

Examiner: Unknown

**INFORMATION DISCLOSURE STATEMENT  
PURSUANT TO 37 C.F.R. §§ 1.56 ET SEQ.**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 1.97(b), the above-identified Applicants cite the following patents and publications, which may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 C.F.R. § 1.56. This Information Disclosure Statement is being filed before the mailing date of the first Office Action on the merits and each item was cited in an International Search Report dated June 13, 2003 for a counterpart application not more than three months prior to the filing date of this Information Disclosure Statement.

**CERTIFICATE OF MAILING (37 C.F.R. § 1.8)**

I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited on the date shown below with the U.S. Postal Service with sufficient postage as first-class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Name Kim R. Jessum

Signature

Date of Deposit

August 27, 2003



In compliance with 37 C.F.R. § 1.98(a), copies of the patents and publications set forth below and listed on the attached Form PTO-1449 (1 sheet) are provided.

U.S. Patents

<u>Patent No.</u>	<u>Issue Date</u>	<u>Patentee</u>
5,512,671	4/30/96	Piantadosi, et al.

Other Publications

HENDRICKSON, H., et al., A Facile Asymmetric Synthesis of Glycerol Phospholipid via Tritylglycidol Prepared by the Asymmetric Epoxidation of Allyl Alcohol. Chem. Phys. Lipids, 1990, Vol. 53, No. 1, pages 115-20, Abstract.

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Applicant respectfully requests that these items be considered by the Examiner, and that the Examiner acknowledge consideration of these references by initialing and returning copies of the enclosed Form PTO-1449 (1 sheet) with the next official action.

While this Information Disclosure Statement may be "material" pursuant to 37 C.F.R. §1.56, it is not intended to constitute an admission that any patent, publication or other information referred to herein is "prior art" for this invention or otherwise material to the patentability of this invention as defined in 37 C.F.R. § 1.56.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(b) exists.

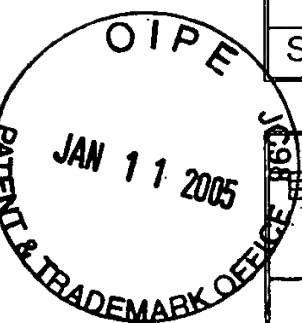
**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

August 27, 2003  
Date

By: Kim R. Jessum

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Substitute for form 1449A/P*				<b>Complete</b> <b>Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				Application Number	09/844,201
				Filing Date	April 27, 2001
				First Named Inventor	Kucera, et al.
				Group Art Unit	1623
				Examiner Name	Unknown
Sheet	1	of	1	Attorney Docket Number	053665-5010-01

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Exr Initials	U.S. Patent Document		Name of Inventor or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
	Number	Kind Code (if known)		
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	Country Code	Number	Kind Code (if known)			

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS		
Exr Initials	Include Name of Author (in CAPITAL LETTERS), title of the article (where appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T.
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Examiner Signature		Date Considered	
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